

proposed rule discussed here. Those concerns were responded to in the March 25, 1999, final rule amending the DMM.

List of Subjects in 39 CFR Part 265

Administrative practice and procedure, Courts, Freedom of information, Government employees, Release of information.

For the reasons set out above, the Postal Service proposes to amend 39 CFR part 265 as follows:

PART 265—RELEASE OF INFORMATION

1. The authority citation for part 265 continues to read as follows:

Authority: 5 U.S.C. 552; 5 U.S.C. App. 3; 39 U.S.C. 401, 403, 410, 1001, 2601.

2. Section 265.6(d)(3) and (d)(8) are revised to read as follows:

§ 265.6 Availability of records.

* * * * *

(d) * * *

(3) *Post office boxholder information.* Information from PS Form 1093, Application for Post Office Box or Caller Service, will be provided only as follows:

(i) In those circumstances stated at paragraphs (d)(4)(i) through (d)(4)(iv) of this section.

(ii) Copies of PS Form 1093 will not be furnished except in those circumstances stated at paragraphs (d)(4)(i), (d)(4)(iii), or (d)(4)(iv) of this section.

* * * * *

(8) *Private mailbox information.* Information from PS Form 1583, Application for Delivery of Mail Through Agent, will be provided only as follows:

(i) In those circumstances stated at paragraphs (d)(4)(i), (d)(4)(iii), or (d)(4)(iv) of this section.

(ii) To the public only for the purpose of identifying a particular address as an address of an agent to whom mail is delivered on behalf of other persons. No other information, including, but not limited to, the identities of persons on whose behalf agents receive mail, may be disclosed to the public from PS Form 1583.

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Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99-22124 Filed 8-25-99; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL-6423-7]

Hazardous Waste Management Program: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program for Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to incorporate by reference the Oklahoma Department of Environmental Quality's (ODEQ) hazardous waste program under the Resource Conservation and Recovery Act (Cluster V) and to approve the revisions to that program submitted by the State of Oklahoma. In the "Rules and Regulations" section of this **Federal Register** (FR), the EPA is approving the State's request as immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the immediate final rule. If no adverse written comments are received in response to the immediate final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse written comments, a second FR document will be published before the time the immediate final rule takes effect. The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the immediate final rule will take effect as scheduled. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before September 27, 1999.

ADDRESSES: Written comments may be mailed to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, at the address shown below. Copies of the materials submitted by ODEQ may be examined during normal business hours at the following locations: EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-6444.; or the Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, Oklahoma 73101-1677, phone number (405) 702-7180.

FOR FURTHER INFORMATION CONTACT: Alima Patterson at (214) 665-8533.

SUPPLEMENTARY INFORMATION: For additional information see the immediate final rule published in the rules section of this **Federal Register**.

Dated: June 24, 1999.

Jerry Clifford,

Deputy Regional Administrator, Region 6.

[FR Doc. 99-21937 Filed 8-25-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6427-6]

National Oil and Hazardous, Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Neal's Dump Superfund site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Neal's Dump Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all responses under CERCLA have been implemented by the responsible party and U.S. EPA, in consultation with the State of Indiana, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before September 27, 1999.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR-6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information

repository located at: The Monroe County Public Library, 303 E. Kirkwood, Bloomington, IN 47408 or The Monroe County Public Library-Ellettsville Branch, 600 West Temperance, Ellettsville, IN. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Thomas Alcamo at (312) 886-7278 (SR-6J), Remedial Project Manager or Gladys Beard Associate Remedial Project Manager, Superfund Division (SR-6J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Derrick Kimbrough (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-9749.

SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
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I. Introduction

The U.S. Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Neal's Dump Site from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations.

Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate non-time Critical Removal Actions or Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Neal's Dump site is approximately one-half acre in size and is located in southeast Owen County, Indiana. The site was owned by Ray

Neal between 1967 and 1971, and closed in 1971. Richard Neal, son of Ray Neal, was the transporter to Neal's Dump of capacitors filled with polychlorinated biphenyl (PCB) containing oil, PCB oil stained rags and PCB contaminated sawdust from the former Westinghouse facility on Curry Pike in Bloomington, Indiana. The site is currently owned by Betty White. In November 1980, the U.S. EPA inspected the site and discovered exposed capacitors, some which were leaking oil. Soil samples showed PCBs as high as 188,000 parts per million.

In May 1982, the U.S. EPA's Field Investigation Team collected 6 soil samples on the Neal's Dump site and discovered PCB levels ranging from 0.41 ppm to 19,000 ppm. In addition, in June 1982, a magnetometer survey to determine the site boundaries along with the installation of 4 monitoring wells were completed. By September 1982, a monitoring well program was implemented and a residential survey as to well water usage was also completed. Based upon the data collected at the site, Neal's Dump was estimated to contain 14,000 cubic yards of contaminated material. The site was listed on the National Priorities List (NPL) on June 10, 1986.

In December 1983, CBS Corporation implemented a removal action which included the following:

- Removal of 46 exposed capacitors, capacitor paper and some soils in close proximity of the exposed capacitors. Approximately 60 capacitors were reburied at two locations within the dump.

- Seeding of disturbed areas so that a full coverage of vegetative growth as established and maintained.

- Implementation of erosion control measures including erosion control fences.

- Placement of a chain-link security fence around the site to restrict access and posting of warning signs.

On January 4, 1983, the United States filed a civil action against Westinghouse, now known as CBS, pursuant to section 7003 of the Resource Conservation and Recovery Act (RCRA) and sections 104, 106, and 107 of CERCLA, alleging an imminent and substantial endangerment to human health or the environment due to improper disposal of Polychlorinated Biphenyl (PCBs) at two sites in the Bloomington area. During the fall of 1983, CBS expressed its interest in negotiating a settlement of that suit as well as a civil action filed by the City of Bloomington for improper PCB disposal at two of the sites owned by the City. After negotiations among CBS,

U.S. EPA, the City of Bloomington, Monroe County, and the Indiana State Board of Health, (hereinafter collectively referred to as the "Parties") a Consent Decree was signed in 1985 and subsequently entered by the court on August 22, 1985, for the cleanup of Neal's Dump. The Consent Decree called for the construction of a permitted, Toxic Substances Control Act municipal (TSCA) approved, solid waste fired incinerator to be used to destroy PCB contaminated material excavated from Neal's Dump.

In 1994, the parties agreed to jointly explore, alternatives to the incineration remedy required by the Consent Decree. In November 1997, Federal Judge Hugh Dillin issued a judicial order stating that the six Consent Decree sites must be remediated by December 1999 and assigned Magistrate Judge Kennard Foster to oversee the progress of the parties toward meeting the December 1999 deadline. On February 1, 1999, Judge Dillin issued an order directing that the Consent Decree parties have until December 31, 1999 to complete the source control remedies for the Consent Decree sites.

After discussions with governmental parties, and under court supervision, the U.S. EPA issued a Proposed Plan for the Neal's Dump site on August 23, 1998. After addressing public comments, on October 16, 1998 the U.S. EPA signed a Record of Decision (ROD) Amendment for the Neal's Dump site. The ROD Amendment modified the August 3, 1984, Enforcement Decision Document (EDD). The ROD Amendment called for the following:

- Excavation of the site soils to residential/high occupancy PCB cleanup standards with disposal of the soils in a off-site, permitted Toxic Substances Control Act/chemical waste landfill.
- Off-site incineration in a permitted, TSCA approved, incinerator of all capacitors containing PCB oil.
- Placement of a minimum of a 10-inch soil cover over the excavated areas and implementation of drainage controls, including providing a vegetative cover.
- Implementation of deed restrictions for the site.
- Monitoring groundwater surrounding the site for a minimum of five years.

Remedial Construction Activities

CBS began excavating PCB contaminated soil/material on September 29, 1998, after approval by the governmental parties of the RD/RA Work Plan. A total of 7,250 tons of PCB contaminated material was disposed of

at Wayne Disposal in Belleville, Michigan. In addition, 2,430 capacitors, which weighed approximately 250,000 pounds and filled with PCB oil were incinerated at ChemWaste in Port Arthur, Texas. The U.S. EPA, the State of Indiana, and Monroe County performed oversight of the CBS activities at the Neal's Dump site.

As described in the ROD Amendment, CBS was required to meet a 10 ppm PCB average concentration in the soils. Excavated areas were then covered with a 10-inch soil cover. CBS completed a magnetometry study along with soil borings for PCB analysis around the dump to verify the site boundaries. Verification sampling by CBS after the excavation was completed showed that residual PCBs was well under the cleanup standard, at 0.8 ppm on average. The U.S. EPA split 20 verification samples for PCBs with CBS and the results were similar to CBS's sampling. In addition, the U.S. EPA analyzed for volatiles, semi-volatiles and metals in 7 samples and the results showed no additional risk. To assure that fill and final soil cover was free of contamination, CBS completed sampling of the two borrow areas for PCBs and pesticides.

CBS completed construction of the site on November 17, 1998, excluding final placement of topsoil, and the U.S. EPA completed the pre-final inspection on November 20, 1998. CBS Corporation completed the final site grading and seeding and the final inspection was completed on June 8, 1999. CBS has also filed deed restrictions with Owen County.

CBS has developed a groundwater monitoring plan to conduct groundwater monitoring until the Five-Year Review is completed. Groundwater monitoring in the proposed monitoring wells have shown low levels of PCBs, but under the maximum contaminant level (MCL) for PCBs. By completely removing the source material, the U.S. EPA expects no additional action for groundwater. At the Five-Year review, the U.S. EPA will make a determination if the groundwater monitoring will continue.

Community Relations Activities

The Consent Decree sites in and near Bloomington, Indiana, have been the object of considerable public interest. The Region's community relations staff conducted an active campaign to ensure that the residents were well-informed about the activities at the Neal's Dump site. Activities included meeting every 4 to 6 weeks with the Citizens Information Committee to discuss the Consent Decree sites, including Neal's Dump.

These meetings are broadcast over the local cable television station.

Conclusion

No hazardous substances remain at the site above health based levels. Historical groundwater monitoring has shown PCBs to be present and CBS Corporation is required to monitor groundwater semi-annually until the Five-Year review. At the Five-Year review, the U.S. EPA will determine if groundwater monitoring will continue.

U.S. EPA, with concurrence from the State of Indiana has determined that all appropriate Fund-financed responses under CERCLA at the Neal's Dump Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, U.S. EPA proposes to delete the Site from the NPL.

Dated: August 17, 1999.

Francis X. Lyons,

Regional Administrator, Region V.

[FR Doc. 99-21939 Filed 8-25-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 080999E]

RIN 0648-AM15

Fisheries of the South Atlantic; Pelagic *Sargassum* Habitat in the South Atlantic; Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a fishery management plan for the pelagic *Sargassum* habitat of the South Atlantic Region; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) has submitted a Fishery Management Plan for the Pelagic *Sargassum* Habitat Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. The FMP would establish the management unit for *Sargassum*; specify optimum yield (OY) for pelagic *Sargassum* as zero harvest; specify overfishing levels as occurring when the fishing mortality rate is greater than zero; identify essential fish habitat (EFH) for *Sargassum*; establish habitat areas of